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County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors

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Fifth District

January 2, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

REPORT BY THE CHIEF EXECUTIVE OFFICER ON THE ABILITY OF COUNTIES TO CONTRACT WITH PRIVATE COMMUNITY CORRECTIONAL FACILITIES TO HOUSE INMATES SENTENCED UNDER THE AB 109 PROGRAM (RELATED TO ITEM NO. 59 ON THE JANUARY 7, 2014 AGENDA)

Item No. 59 on the January 7, 2014 Agenda is a response to Supervisor Antonovich's December 17, 2013 motion directing the Chief Executive Officer to report back on the ability of counties to contract with private Community Correctional Facilities (CCFs).

Existing Law

Under existing law, the State has time-limited authority to contract with private correctional facilities. For several years, the State has contracted with private out-of-State facilities to house prison inmates as a result of the emergency order related to overcrowding in the State prison system. More recently, **County-supported SB 105 (Chapter 310, Statutes of 2013)**, urgency legislation that took effect September 12, 2013, granted the State additional authority to contract with public and private, in-State and out-of-State correctional facilities to house prison inmates to further address overcrowding and comply with the Federal three-judge panel's prison population reduction order.

"To Enrich Lives Through Effective And Caring Service"

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AB 109 (Chapter 15, Statutes of 2011) created the overall framework for the 2011 Public Safety Realignment which transferred the responsibility for the supervision and incarceration of certain lower-level offenders from the State to counties. Provisions of the law granted counties the authority to contract with publicly owned and operated CCFs to house inmates sentenced under the provisions of AB 109. The intent of these provisions was to allow counties flexibility in addressing population management issues and potential overcrowding due to the increased number of inmates serving time in county jails.

AB 109, however, did not grant authority for counties to contract with privately owned and operated CCFs to house inmates sentenced under the AB 109 program. According to sources in Sacramento, the decision to exclude counties from contracting with private CCFs was primarily made as a result of concerns by the Administration and the Legislature that labor would oppose including such authority for counties.

Conclusion

Because existing law does not authorize counties to contract with the private CCFs to house AB 109 inmates, legislation would be required to allow such contracts. **As there is no existing Board-approved policy related to granting counties this contracting authority, pursuing legislative changes in Sacramento is a matter of Board policy determination.**

WTF:RA
MR:KA:ma

c: Executive Office, Board of Supervisors
County Counsel



WILLIAM T FUJIOKA
Chief Executive Officer

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Fifth District

February 27, 2014

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

REPORT ON THE PURSUIT OF LEGISLATION TO ALLOW COUNTIES THE OPTION TO CONTRACT WITH PRIVATE COMMUNITY CORRECTIONAL FACILITIES TO HOUSE INMATES SENTENCED TO COUNTY JAIL

On January 14, 2014, the Board adopted a motion by Supervisor Antonovich directing the Chief Executive Officer and the Sacramento advocates to seek legislation to allow counties the option to contract with private community correctional facilities (CCFs) to meet the County's public safety needs and to report back to the Board in 45 days.

State Authority to Contract with Community Correctional Facilities

Under existing law, the State has time-limited authority to contract with private correctional facilities. For several years, the State has been authorized to contract with private out-of-State facilities to house prison inmates as a result of an emergency order related to overcrowding in the State prison system. More recently, **County-supported SB 105 (Chapter 310, Statutes of 2013)**, urgency legislation, that took effect September 12, 2013, granted the State additional authority to contract with public and private, in-State and out-of-State correctional facilities to house prison inmates to further address overcrowding and to comply with the Federal three-judge panel's prison population court reduction order.

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Counties' Authority to Contract with Community Correctional Facilities

AB 109 (Chapter 15, Statutes of 2011) created the overall framework for the 2011 Public Safety Realignment which transferred the responsibility for the supervision and incarceration of certain lower-level offenders from the State to counties. Provisions of the law granted counties the authority to contract with publicly owned and operated CCFs to house inmates sentenced under the provisions of AB 109. These provisions were intended to allow counties flexibility in addressing population management issues and potential overcrowding due to the increased number of inmates serving time in county jails. However, AB 109 did not grant authority for counties to contract with privately owned and operated CCFs to house inmates sentenced under the AB 109 Program.

County-Sponsored Legislation to Contract with Private Community Correctional Facilities

As directed by the Board on January 14, 2014, this office and the Sacramento advocates worked with Legislative Counsel to draft language to pursue legislation that would grant counties authority to contract with private CCFs. The Sacramento advocates approached a bi-partisan group of legislators, as well as various members of the Los Angeles County Legislative Delegation, to author the County's proposal, and Assembly Member Matt Dababneh agreed to carry the legislation.

As introduced on February 21, 2014, **County-sponsored AB 2534 (Dababneh)**, would authorize the Los Angeles County Board of Supervisors, upon agreement with the Sheriff, to contract with private CCFs to house jail inmates. AB 2534 is currently in the Assembly pending assignment to committee.

This office will keep the Board advised on any developments related to AB 2534 via Sacramento Updates.

WTF:RA
MR:KA:ma

c: Executive Office, Board of Supervisors
 County Counsel